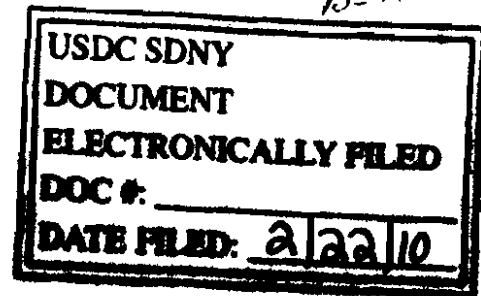


BERMAN, S.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



S. KATZMAN PRODUCE, INC., et al

Plaintiffs

v.

J. R. GREEN MOUNTAIN CORP., et al

Defendants

Civil No. 1:10-cv-980 (AMA)

PRELIMINARY INJUNCTION ORDER

THIS MATTER is before the Court upon the Order To Show Cause (Doc. 3) requested by S. Katzman Produce, Inc., Katzman Berry Corp. and Super Produce, Inc., ("Plaintiffs") seeking an Order enjoining and restraining the defendants J. R. Green Mountain Corp. ("Green Mountain"), Secret Garden Produce Corp. ("Secret Garden") and Wassim Burhari (collectively referred to as "defendants") and their employees, agents, servants, successors, assigns and attorneys from taking any action to assign, transfer, convey, spend or dissipate PACA trust funds in the sum of \$227,498.35, and directing and requiring the defendants to account for and segregate the sum of \$227,498.35 for the benefit of plaintiffs in a separate interest bearing trust account to be held by plaintiffs' counsel pending further Order of the Court. It appearing that the defendants were properly served with the Order to Show Cause, and that plaintiffs will be irreparably and immediately harmed if the relief requested is not granted, and for good cause shown;

IT IS HEREBY ORDERED

1. Plaintiffs' Motion for Preliminary Injunction is granted;

[#4]

2. Defendants, their customers, agents, officers, subsidiaries, assigns, banking institutions and/or related entities shall not alienate, dissipate, pay over or assign any assets of Green Mountain and/or Secret Garden or their subsidiaries or related companies except as set forth herein.

IT IS FURTHER ORDERED that within five (5) business days of the date of this Order, defendants shall supply to plaintiffs' counsel the following documents regarding the assets of Green Mountain and/or Secret Garden, and their related subsidiary companies: most recent balance sheets and profit/loss statements, accounts receivable names and addresses for collection purposes, and all records, such as checking account registers and cash receipt records, showing how any funds of the company were spent in the last six (6) months.

IT IS FURTHER ORDERED that defendants and/or any banking institutions shall, within two (2) business days of service of this Order, pay any and all funds realized from the sale of produce or products derived from produce in their possession up to \$227,498.35 to McCarron & Diess, 4530 Wisconsin Avenue, N.W., Suite 301, Washington, D.C. 20016, attorneys for plaintiffs, for payment to plaintiffs.

IT IS FURTHER ORDERED that any and all funds belonging to Green Mountain and/or Secret Garden, in the possession of third parties, including all funds belonging to Green Mountain and/or Secret Garden, on deposit at banking institutions up to \$227,498.35, shall be immediately paid to McCarron & Diess, 4530 Wisconsin Avenue, N.W., Suite 301, Washington, D.C. 20016, attorneys for plaintiffs, for payment to plaintiffs.

IT IS FURTHER ORDERED that the attorneys for plaintiffs are hereby authorized and directed to collect all outstanding accounts receivable of Green Mountain and/or Secret Garden, and transfer said collections to plaintiffs until plaintiffs receive full payment, and that defendants are required to cooperate with plaintiffs' attorneys in providing any necessary documents to effect collection.

Plaintiffs shall forthwith serve defendants with a copy of this Order.

ENTERED this 22nd day of Feb, 2010.

RMB

Richard M. Berman, U.S. District Judge
Southern District of New York

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